



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,031	12/27/2001	Rumiko Inoue	FUJI 19.311	8631
26304	7590	04/24/2006	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP			NGUYEN, BRIAN D	
575 MADISON AVENUE			ART UNIT	
NEW YORK, NY 10022-2585			PAPER NUMBER	
			2616	

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,031

Applicant(s)

INOUE, RUMIKO

Examiner

Brian D. Nguyen

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by both Tuomi (6,965,562) and Elliott et al (6,614,781).

Regarding claim 1, both Tuomi and Elliott disclose a communication control apparatus comprising: a call managing unit detecting a current state of communications in a predetermined route on an IP network (Tuomi's reference, for example, 220 in fig. 2; fig. 4; col. 5, lines 1-28) (Elliott's reference, for example, fig. 58; col. 45, lines 3-17); and a determination unit

Art Unit: 2616

determining, in response to a request for connecting a new call to the predetermined route, whether the request is accepted or rejected based on a result of comparison of the detected state of communications and a maximum amount of traffic of packets permitted for the predetermined route (Tuomi's reference, 230 in figure 2) (Elliott's reference, for example, fig. 58; col. 45, lines 3-17).

Regarding claim 2, Tuomi and Elliott disclose the current state of communications, detected by the call managing unit, is either the number of current connections in the predetermined route or a bandwidth allocated for the predetermined route (Tuomi, col. 5, lines 26-28) (Elliott, for example, col. 45, lines 3-17).

Regarding claim 3, both Tuomi and Elliott disclose a communication control method comprising the steps of: detecting a current state of communications in a predetermined route on an IP network (Tuomi's reference, for example, 220 in fig. 2; fig. 4; col. 5, lines 1-28) (Elliott's reference, for example, fig. 58; col. 45, lines 3-17); and determining, in response to a request for connecting a new call to the predetermined route, whether the request is accepted or rejected based on a result of comparison of the detected state of communications in the predetermined route and a maximum amount of traffic of packets permitted for the predetermined route (Tuomi's reference, 230 in figure 2) (Elliott's reference, for example, fig. 58; col. 45, lines 3-17).

Regarding claim 4, both Tuomi and Elliott disclose a communication system in which packets are transmitted over an IP network, the communication system including a gateway which connects a terminal on the gateway to the IP network, a gatekeeper which maps a phone number of the terminal into an IP address on the IP network, and a communication control apparatus (Tuomi, figure 4), the communication control apparatus comprising: a call managing

Art Unit: 2616

unit detecting a current state of communications in a predetermined route on the IP network (Tuomi's reference, for example, 220 in fig. 2; fig. 4; col. 5, lines 1-28) (Elliott's reference, for example, fig. 58; col. 45, lines 3-17); and a determination unit determining, in response to a request for connecting a new call to the predetermined route, whether the request is accepted or rejected based on a result of comparison of the detected state of communications and a maximum amount of traffic of packets permitted for the predetermined route (Tuomi's reference, 230 in figure 2) (Elliott's reference, for example, fig. 58; col. 45, lines 3-17).

Regarding claim 5, Tuomi and Elliott disclose the call managing unit and the determination unit of the communication control apparatus have a function to communicate with the gatekeeper (in Tuomi, the control apparatus is integrated into the gatekeeper; therefore, this communication is performed internally) (In Elliott, the control apparatus is also integrated into the gatekeeper. Elliott also discloses the gatekeeper functionality can be incorporated into gateways and Multipoint Control Unit (MCU) (see col. 45, lines 30-38).

Response to Arguments

4. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2616

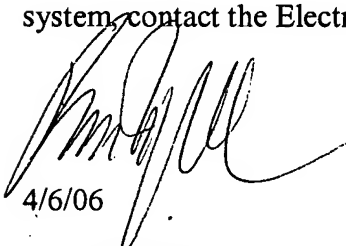
Thornton et al (2002/0101860), Ketcham (6,654,366), Iwama et al (6,600,735), and Mercuriali (2003/0179753).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084.

The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



4/6/06

BRIAN NGUYEN
PRIMARY EXAMINER